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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	2:16-mj-036-NJK
)	
Plaintiff,)	
)	
vs.)	
)	
DESHAUN CARR,)	
)	
Defendant.)	
)	

STIPULATION TO CONTINUE PRELIMINARY HEARING

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United States of America, and Andrew M. Leavitt, counsel for Defendant DESHAUN CARR, that the preliminary hearing for the above-captioned matter, currently scheduled for April 4, 2016, at the hour of 4:00 p.m., be vacated and continued to a date and time convenient for this Court, but in no event earlier than thirty (30) days.

This stipulation is entered for the following reasons:

1. Since the filing of the last stipulation, the Government has made an early production of discovery to the Defendant, and counsel for the Defendant needs the opportunity to review the discovery and discuss it with the Defendant prior to proceeding.

1 2. The Government has also extended a pre-indictment plea offer to the Defendant in
2 an attempt to resolve this case and which would obviate the need for either a preliminary hearing
3 in this matter or for the Government to present this matter to the Federal grand jury. Counsel for
4 the Defendant needs additional time to discuss the proposed offer with the Defendant.

5 3. The Defendant is in custody, but he does not object to the continuance.

6 4. Denial of this request for continuance of the preliminary hearing would
7 potentially prejudice both the Defendant and the Government and unnecessarily consume this
8 Court's valuable resources, taking into account the exercise of due diligence.

9 5. Additionally, denial of this request for continuance could result in a miscarriage
10 of justice.

11 6. The additional time requested by this stipulation is excludable in computing the
12 time within which the defendant must be indicted and the trial herein must commence pursuant
13 to the Speedy Trial Act, 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A), considering the factors under
14 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

15 7. This is the second request for a continuance of the preliminary hearing herein.
16 DATED: April 1, 2016.

17
18 /s/
19 PHILLIP N. SMITH, JR.
20 Assistant United States Attorney
21 Counsel for the United States

 /s/
ANDREW M. LEAVITT
Counsel for Defendant DESHAUN CARR

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,)	2:16-mj-036-NJK
)	
Plaintiff,)	ORDER CONTINUING
)	PRELIMINARY HEARING
vs.)	
)	
DESHAUN CARR,)	
)	
Defendant.)	

ORDER

Based on the pending Stipulation of counsel, and good cause appearing therefore, **IT IS HEREBY ORDERED**, that the preliminary hearing in the above-captioned matter, currently scheduled for April 4, 2016, at the hour of 4:00 p.m., be vacated and continued to May 9, 2016, at 4:00 p.m., in Courtroom 3A.


UNITED STATES MAGISTRATE JUDGE